

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL No. 2327
THIS DOCUMENT RELATES TO:	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
<i>Betty Funderburke v. Ethicon, Inc., et al.</i> Case No. 2:12-cv-00957	

**MOTION UNDER *DAUBERT* AND FED. R. EVID. 702 AND 703 TO BAR DR.
LONGACRE FROM TESTIFYING ABOUT THE OPINIONS
OF NON-DISCLOSED EXPERT DR. HANNES VOGEL**

NOW COMES Plaintiff Betty Funderburke (“Plaintiff”), by and through her attorneys, and moves this Court to bar Defendant Ethicon’s (“Defendant”) retained expert Teri Longacre, M.D. (“Dr. Longacre”) from testifying about the expert opinions of non-disclosed expert Dr. Hannes Vogel (“Dr. Vogel”). In support of this Motion, Plaintiff incorporates its Memorandum of Law in Support of Plaintiff’s Motion Under *Daubert* and Fed. R. Evid. 702 and 703 to Bar Dr. Longacre from Testifying about the Opinions of Non-Disclosed Expert Dr. Hannes Vogel and also the following exhibits:

1. Expert Report of Dr. Teri Longacre, M.D., attached as Exhibit 1;
2. Deposition transcripts of Dr. Hannes Vogel, M.D., attached as Exhibit 2;
3. Deposition transcripts of Dr. Teri Longacre, M.D., attached as Exhibit 3; and
4. Expert Report of Dr. Hannes Vogel, M.D., attached as Exhibit 4.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court bar Dr. Longacre from testifying to, mentioning, referring to and/or attempting to convey, whether directly or indirectly, any mention of Dr. Hannes Vogel, his Rule 26 report, or any of his opinions.

Respectfully Submitted,

By: /s Frank V. Cesarone
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CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

Date: April 21, 2016

/s/ Frank V. Cesarone

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